

**Notice of Allowability**

Application No.

10/733,711

Applicant(s)

SPIRO ET AL.

Examiner

Susan C. Alimenti

Art Unit

3644

**-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address--**

All claims being allowable, PROSECUTION ON THE MERITS IS (OR REMAINS) CLOSED in this application. If not included herewith (or previously mailed), a Notice of Allowance (PTOL-85) or other appropriate communication will be mailed in due course. **THIS NOTICE OF ALLOWABILITY IS NOT A GRANT OF PATENT RIGHTS.** This application is subject to withdrawal from issue at the initiative of the Office or upon petition by the applicant. See 37 CFR 1.313 and MPEP 1308.

1. ☒ This communication is responsive to communications conducted on 9/21/06.
2. ☒ The allowed claim(s) is/are 2-4, 6-8, 33 and 35-38.
3. ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All    b) ☐ Some\*    c) ☐ None    of the:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
3. ☐ Copies of the certified copies of the priority documents have been received in this national stage application from the International Bureau (PCT Rule 17.2(a)).

\* Certified copies not received: \_\_\_\_\_.

Applicant has THREE MONTHS FROM THE "MAILING DATE" of this communication to file a reply complying with the requirements noted below. Failure to timely comply will result in ABANDONMENT of this application.

**THIS THREE-MONTH PERIOD IS NOT EXTENDABLE.**

4. ☐ A SUBSTITUTE OATH OR DECLARATION must be submitted. Note the attached EXAMINER'S AMENDMENT or NOTICE OF INFORMAL PATENT APPLICATION (PTO-152) which gives reason(s) why the oath or declaration is deficient.
5. ☐ CORRECTED DRAWINGS ( as "replacement sheets") must be submitted.
- (a) ☐ including changes required by the Notice of Draftsperson's Patent Drawing Review ( PTO-948) attached
- 1) ☐ hereto or 2) ☐ to Paper No./Mail Date \_\_\_\_\_.
- (b) ☐ including changes required by the attached Examiner's Amendment / Comment or in the Office action of Paper No./Mail Date \_\_\_\_\_.
- Identifying indicia such as the application number (see 37 CFR 1.84(c)) should be written on the drawings in the front (not the back) of each sheet. Replacement sheet(s) should be labeled as such in the header according to 37 CFR 1.121(d).
6. ☐ DEPOSIT OF and/or INFORMATION about the deposit of BIOLOGICAL MATERIAL must be submitted. Note the attached Examiner's comment regarding REQUIREMENT FOR THE DEPOSIT OF BIOLOGICAL MATERIAL.

**Attachment(s)**

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| 1. <input type="checkbox"/> Notice of References Cited (PTO-892)   | 5. <input type="checkbox"/> Notice of Informal Patent Application                      |
| 2. <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948)                       | 6. <input type="checkbox"/> Interview Summary (PTO-413),<br>Paper No./Mail Date _____. |
| 3. <input type="checkbox"/> Information Disclosure Statements (PTO/SB/08),<br>Paper No./Mail Date _____    | 7. <input checked="" type="checkbox"/> Examiner's Amendment/Comment                    |
| 4. <input type="checkbox"/> Examiner's Comment Regarding Requirement for Deposit<br>of Biological Material | 8. <input checked="" type="checkbox"/> Examiner's Statement of Reasons for Allowance   |
|  | 9. <input type="checkbox"/> Other _____.   |

### EXAMINER'S AMENDMENT

An examiner's amendment to the record appears below. Should the changes and/or additions be unacceptable to applicant, an amendment may be filed as provided by 37 CFR 1.312. To ensure consideration of such an amendment, it MUST be submitted no later than the payment of the issue fee.

Authorization for this examiner's amendment was given in a telephone interview with Bryan P. Collins on 21 September 2006.

The application has been amended as follows:

#### **Claims 2-4, 6-8, 33, and 36 (Previously Presented)**

**Claim 35 (Currently Amended)** An insect trapping apparatus comprising:

a combustion and exhaust device comprising:

- (i) a first housing;
- (ii) an exhaust member connected to the first housing; and
- (iii) a gas burner mounted within the first housing for receiving a

combustible gas and generating hot carbon dioxide gas and moisture through the exhaust member, the exhaust member having an outlet open to atmosphere for permitting the carbon dioxide gas to flow outwardly therefrom, the outlet of the exhaust member being positioned on a first vertical axis; and

an insect trap assembly comprising a second housing having an inlet, an insect trap communicated to the inlet, and a vacuum generator operable to draw an inflow of air from outside the second housing into the inlet for drawing insects into the second housing for capture in the insect trap, the inlet being positioned on a second vertical axis,

said insect trap assembly and said exhaust member being positioned offset from and exteriorly of one another with the inlet of the insect trap assembly and the outlet of the exhaust member also positioned offset from and exteriorly of one another, wherein the first and second vertical axes are offset from one another;

Art Unit: 3644

wherein the insect trap assembly is mounted to an exterior surface of the combustion and exhaust device.

**Claim 37 (Currently Amended)** An insect trapping apparatus comprising:

a combustion and exhaust device comprising:

(i) a first housing;

(ii) an exhaust member; and

(iii) a gas burner mounted within the first housing for receiving a combustible gas and generating hot carbon dioxide gas and moisture through the exhaust member, the exhaust member having an outlet open to atmosphere for permitting the carbon dioxide gas to flow outwardly therefrom, the outlet of the exhaust member being positioned on a first vertical axis; and

an insect trap assembly comprising a second housing having an inlet, an insect trap communicated to the inlet, and a vacuum generator operable to draw an inflow of air from outside the second housing into the inlet for drawing insects into the second housing for capture in the insect trap, the inlet being positioned on a second vertical axis,

said insect trap assembly and said exhaust member being positioned offset from and entirely exteriorly of one another with the inlet of the insect trap assembly and the outlet of the exhaust member also positioned offset from and entirely exteriorly of one another, wherein the first and second vertical axes are offset from one another;

wherein said insect trap assembly comprises an air intake wall extending around at least a portion of said second housing to form an inflow channel defining said inlet; and

wherein the second housing is round and the inflow channel is annular.

**Claim 38. (Currently Amended)** An insect trapping apparatus according to claim 37, wherein said first housing is substantially cylindrical.

Art Unit: 3644

The following is an examiner's statement of reasons for allowance: The prior art made of record fails to disclose an insect trapping apparatus comprising (1) an exhaust and combustion device comprising a first housing, an exhaust pipe or member, and a gas burner producing CO<sub>2</sub> and said exhaust pipe having an outlet having first axis, releasing the CO<sub>2</sub> directly to the open air; and (2) an insect trapping apparatus comprising a second housing, an inlet having a second axis, and an insect trap, wherein the first and second axes are offset from one another

Any comments considered necessary by applicant must be submitted no later than the payment of the issue fee and, to avoid processing delays, should preferably accompany the issue fee. Such submissions should be clearly labeled "Comments on Statement of Reasons for Allowance."

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Susan C. Alimenti whose telephone number is 571-272-6897.

The examiner can normally be reached on Monday-Friday, 9am-5pm.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Teri Luu can be reached on 571-272-7045. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Art Unit: 3644

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

Susan C. Alimenti



MICHAEL J. CARONE  
SUPERVISORY PATENT EXAMINER